



# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

December 14, 2011

Mayor Matti Herrera Bower  
Vice-Mayor Deede Weithorn  
Commissioner Jorge R. Exposito  
Commissioner Michael Góngora  
Commissioner Jerry Libbin  
Commissioner Edward L. Tobin  
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez  
City Attorney Jose Smith  
City Clerk Robert E. Parcher

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

Call to Order - 9:00 a.m.  
Inspirational Message, Pledge of Allegiance  
Requests for Additions, Withdrawals, and Deferrals

The City Commission will recess for lunch at approximately 1:00 p.m.

#### Presentations and Awards

PA Presentations and Awards

#### Consent Agenda

C2 Competitive Bid Reports  
C4 Commission Committee Assignments  
C6 Commission Committee Reports  
C7 Resolutions

#### Regular Agenda

R2 Competitive Bid Reports  
R5 Ordinances  
R7 Resolutions  
R9 New Business and Commission  
R10 City Attorney Reports

#### Reports and Informational Items

**Presentations and Awards**

- PA1 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For October, 2011.  
(Requested by Commissioner Jorge R. Exposito)
- PA2 Certificate Of Recognition To Be Presented To Edible Arrangements For Celebrating Their One Year Anniversary In Business In Miami Beach.  
(Requested by Commissioner Jorge R. Exposito)
- PA3 Proclamation To Be Presented To Roger Abramson For Being Inducted Into Ohio's Civil Rights Hall Of Fame.  
(Requested by Commissioner Jorge R. Exposito)
- PA4 Certificate Of Recognition To Be Presented To Ileana Bravo For Her Many Years As Chairperson Of The CAC And Her Volunteer Work As Host Of The MBTV Culture Show.  
(Requested by Mayor Matti Herrera Bower)
- PA5 Certificate Of Appreciation To Be Presented To Vincent Filigenzi - Vincent Filigenzi Design; Raymond Jungles - Raymond Jungles, Inc.; And Guy Lesseur - Harbour Construction, For Their Work On The Miami Beach Botanical Garden Redesign And Reopening In October 2011.  
(Requested by Mayor Matti Herrera Bower)
- PA6 Proclamation To Be Presented In Honor Of The 2012 Orange Bowl, One Of South Florida's Oldest Civic Organizations Since 1935, Generating Tourism For The Region As Well As Positive Economic Impact To Miami Beach.  
(Requested by Mayor Matti Herrera Bower)
- PA7 Presentation For "At Your Service Award" For November And December 2011.  
(City Manager's Office)
- PA8 Certificates Of Appreciation To Be Presented To Max Sklar And Gary Farmer For Their Hard Work And Leadership In Organizing Sleepless Night 2011.  
(City Manager's Office)
- PA9 A Video Tribute To Recognize And Share The Veterans Day Parade And Ceremony.  
(Requested by Commissioner Jerry Libbin)
- PA10 Presentation Of A Video And A Plaque From Project Medishare To The City Of Miami Beach As A Thanks For Their Support And Assistance.  
(Requested by Commissioner Edward L. Tobin)

**Presentations and Awards** (Continued)

- PA11 Proclamation To Be Presented To Frederic And Linda Friedman, Honoring Their Years Of Community Service To The Homeless.  
(Requested by Vice-Mayor Deede Weithorn)
- PA12 Proclamation To Be Presented Honoring Miami Beach Firefighter Leonard Rubin, Who Died In A Fire At The Carillon Hotel In March Of 1962.  
(Requested by Vice-Mayor Deede Weithorn)
- PA13 Certificate Of Appreciation To Be Presented To Dr. Pedro G. Portal And Gloria Portal For Their Long Standing Contribution To The City Of Miami Beach.  
(Requested By Commissioner Michael Góngora)

**CONSENT AGENDA**

**Action:**  
**Moved:**  
**Seconded:**  
**Vote:**

**C2 - Competitive Bid Reports**

- C2A Request For Approval To Issue A Request For Qualifications (RFQ) For A Construction Manager At Risk Firm (CM) To Provide Pre-Construction Services And Construction Phase Services Via A Guaranteed Maximum Price (GMP) Amendment For The South Pointe Park Pier Project.  
(Capital Improvement Projects/Procurement)
- C2B Request For Approval To Reject All Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 54-09/10, For The Provision Of Governmental Consulting Services At Miami-Dade County, Florida.  
(City Manager's Office)
- C2C Request For Approval To Award Contracts To Aware Digital Inc. As Primary Vendor, And Gisnet Telecom. Inc. As Secondary Vendor, Pursuant To Invitation To Bid (ITB) No. 24-10/11, For Maintenance And Repair Of Video Monitoring Equipment For City Parking Garages, In The Estimated Annual Amount Of \$36,000.  
(Parking/Procurement)
- C2D Request For Approval To Award Contracts To Condo Electric Motor Repair, Corp. As Primary Vendor, And TAW Miami Service Center, Inc. As Secondary Vendor, Pursuant To Invitation To Bid (ITB) No. 10-10/11, For Electric Motor Rewind And Repair Services, In The Annual Estimated Amount Of \$60,000.  
(Public Works/Procurement)

**C2 - Competitive Bid Reports** (Continued)

- C2E Request For Approval To Issue A Request For Qualifications (RFQ) To Provide Public Information Services On Right Of Way And Facilities Construction Projects.  
(Capital Improvement Projects/Procurement)
- C2F Request For Approval To Issue A Request For Proposals (RFP) From Qualified Developers For A Public-Private Development In Miami Beach On North Lincoln Lane, Between Alton Road And Meridian Avenue, Including City-Owned Parking Lot #25 On 17th Street And Lenox Avenue, Parking Lot #26 On North Lincoln Lane, Between Lenox Avenue And Michigan Avenue, And Parking Lot #27 On North Lincoln Lane Between Jefferson Avenue And Meridian Avenue.  
(Requested by Land Use & Development Committee)  
(Legislative Tracking: City Manager's Office)
- C2G Request For Approval To Award A Contract To E-Z-Go Division Of Textron Inc., Pursuant To Invitation To Bid No. 02-11/12 For The Lease Of Golf Carts And Other Miscellaneous Golf Equipment/Vehicles, For The Normandy Shores Golf Club, In The Amount Of \$226,669.32 For A Period Of Thirty-Six (36) Months, With Monthly Installments Of \$6,296.37; And The Miami Beach Golf Club, In The Total Amount Of \$257,559.84 For A Period Of Thirty-Six (36) Months With Monthly Installments Of \$7,154.44; And Further Authorize The Mayor And City Clerk To Execute A Master Lease Agreement.  
(Parks & Recreation/Procurement)
- C2H Request For Approval To Issue A Request For Proposals (RFP) To Install And Maintain An Externally Web Hosted Software For The City Of Miami Beach Parks And Recreation Department.  
(Parks & Recreation/Procurement)
- C2I Request For Approval To Award Contracts To The Lowest And Best Bidders For Groups 1 Through 8, Pursuant To Invitation To Bid (ITB) No. 25-10/11, For The Purchase And Delivery Of Uniforms And Accessories For Various City Departments: Group 1) Global Trading, Inc.; Group 2) All Uniforms Wear; Group 3) Unicommerce; Group 4) All Uniforms Wear; Group 5) Global Trading; Group 6) Swago; Group 7) Global Trading, Inc; And Group 8) Embroidery- Silkscreening; Global Trading, Inc.; All Uniforms Wear; Unicommerce And Swago In The Total Estimated Annual Amount Of \$462,157; And Further Reject All Bids Received For Group 9) For The Purchase Of Shoes Since All Bidders Failed To Meet The Specifications.  
(Procurement)

**C4 - Commission Committee Assignments**

- C4A Referral To The Land Use And Development Committee - Discussion Regarding Not Charging Double Permit Fees For People Who Come Forward And Request Permits For Work Done Without A Permit.  
(Requested by Commissioner Jonah Wolfson)

**C4 - Commission Committee Assignments** (Continued)

- C4B Referral To The Finance And Citywide Projects Committee - Discuss Sanitizer Dispensers At City Facilities To Lessen Illness And Increase Productivity.  
(Requested by Commissioner Jonah Wolfson)
- C4C Referral To The Land Use And Development Committee And Neighborhoods/Community Affairs Committee - Two Proposals For Charter Amendments That Would Strengthen The Existing Protections For Historic Preservation In Miami Beach.  
(Requested by Mayor Matti Herrera Bower)
- C4D Referral To The Land Use And Development Committee On A Proposal To Put The Historic Preservation Board Enabling Language In Charter So As To Protect The Composition And Existence Of Our City's Preservation Mechanism.  
(Requested by Commissioner Jonah Wolfson)
- C4E Referral To The Planning Board - Temporary Storefront Signs.  
(Requested by City Commission And Land Use & Development Committee)  
(Legislative Tracking: Planning Department)
- C4F Referral To The Planning Board - Artificial Grass At Hotels And Homes And The Planning Department Procedure For Approving Same.  
(Requested By Commissioner Jonah Wolfson And Land Use & Development Committee)  
(Legislative Tracking: Planning Department)
- C4G Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Enforcement Of Litter Laws To The Distribution Of Handbills On Ocean Drive, Possible Handbill-Free Zones, And Possible Amendments Of Sidewalk Cafe Regulations To Address The Soliciting Of Restaurant Business In The Public Rights Of Way, And Possible Signage Requirements For Alcoholic Beverage Establishments Regarding Open Containers.  
(Requested by Commissioner Jerry Libbin)
- C4H Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The South Pointe Park Water Feature In Tot Lot.  
(Requested by Commissioner Edward L. Tobin)
- C4I Referral To The Marine Authority Committee - Discussion Regarding Resident Preferential Access And Usage For Boat Ramp At Maurice Gibb Park.  
(Requested by Commissioner Edward L. Tobin)
- C4J Referral To The Land Use And Development Committee - Discussion To Encourage Development Of Buildings With Substantial Code Fines By Adopting A Conditional Mitigation Practice For New Purchasers To Incentivize Re-Development.  
(Requested by Commissioner Michael Góngora)

**C4 - Commission Committee Assignments** (Continued)

- C4K Referral To The Neighborhoods/Community Affairs Committee – Discussion Regarding A Review Of The City's Special Event Permit Policy, Which Does Not Allow For Any New Events During Spring Break And Ultra Festival.  
(Requested by Commissioner Jerry Libbin)

**C6 - Commission Committee Reports**

- C6A Report of the Neighborhoods/Community Affairs Committee Meeting On November 10, 2011: **1)** Quarterly Report On Crime Statistics For The Months Of July, August, And September 2011. **2)** Discussion Regarding Food Trucks: A) Discussion Regarding A City Sponsored Food Truck Festival; B) Discussion To Prioritize The Proposed Alternatives For The Festival Of The Arts. **3)** Discussion Of Potential Policies For The Nomination/Number Of Memorials Or Commemorative Plaques. **4)** Discussion On The Viability Of Storing City Directed Towed Vehicles On Terminal Island. **5)** Discussion Regarding The Issue Of Moving The Bike Lane To West Avenue And The Loss Of Parking Spaces. **6)** Discussion Regarding Changes Made To The Disability Access Committee. **7)** Discussion Regarding A Normandy Nights And Lights Festival Project For This Upcoming Holiday Season. **8)** Discussion Revisiting The City's Policy On China. **9)** Discussion Regarding An Ordinance Amending City Code To Comply With The New State Law Preempting The Regulation Of The Firearms To The State Of Florida.
- C6B Report Of The Capital Improvement Projects Oversight Committee Meeting On October 17, 2011: **1)** Attendance. **2)** Review And Acceptance Of Minutes. **3)** Discussion. **4)** Presentations: **4A)** Botanical Garden Renovation Project. **5)** Public Comments. **6)** Commission Items: A Resolution Rejecting All Bids Received Pursuant To Invitation To Bid (ITB) No. 39-10/11, Right-Of-Way Infrastructure Improvement Program – Venetian Islands Bid Package 13C, And Authorizing The Administration To Issue A New Bid For The Said Project. **7)** Old Business/Requested Reports: **7A)** Status Report: Normandy Isle Neighborhood; **7B)** Status Report: Sunset Island I & II; **7C)** Status Report: Sunset Island III & IV; **7D)** Status Report: Lower North Bay Road; **7E)** Status Report: Venetian Island; **7F)** Status Report: Palm & Hibiscus Island Undergrounding; **7G)** Status Report: Flamingo Park Project; **7H)** Status On The Stormwater Master Plan.
- C6C Report Of The Finance And Citywide Projects Committee On October 27, 2011: **1)** Discussion Regarding Incentives For Façade Renovation In North Beach Commercial Corridors. **2)** Discussion Regarding A New Voluntary Benefit – BMG Loans. **3)** Discussion Pertaining To The Issuance Of The Request For Proposals (RFP) For The Comprehensive Professional Tennis Management And Operations Services At The City's Flamingo Park And North Shore Tennis Centers. **4)** Discussion Concerning City Fees And Charges For Gay Pride 2012. **5)** Discussion Regarding Reducing The Bills Penalty From 10% To 5%. **6)** Discussion Of A Proposed Modification Of The Promissory Note Dated February 5, 2007, Between MBCDC: Meridian Place, LLC, A Florida Limited Liability Corporation, To The Miami Beach Redevelopment Agency; And To Discuss A Subordination Of The City's Mortgages In Favor Of A Mortgage Made By A Commercial Lending Institution. **7)** Discussion Regarding Franchising Of Valet Parking Operations. **8)** Discussion Regarding The Catering And Concession Agreements For The Miami Beach Convention Center. **9)** Discussion And Review Of City's Investment Policy.

**C6 - Commission Committee Reports** (Continued)

- C6D Report Of The Land Use And Development Committee Meeting On October 26, 2011: **1)** Discussion Regarding Temporary Storefront Signs. **2)** Discussion Of Noticing Requirements For Continuances By Any Of The Land Use Boards. **3)** Short-Term Rental Ordinance Enforcement. **4)** Discussion Of Jurisdiction Of Land Use Boards Over Appeals. **5)** Discussion Of Procedures For Obtaining Informal Opinions And Formal Administrative Determinations From The Planning Director. **6)** Discussion On The De-Intensification Of The I-1 Light Industrial District. **7)** Discussion On The Development North Of Lincoln Road. **8)** Discussion Regarding Controlled, Limited, And Attentive Off-Leash Hours At Pine Tree Park. **9)** Discussion On Artificial Grass At Hotels And Homes And The Planning Department Procedure For Approving Same.
- C6E Report Of The Land Use And Development Committee Meeting On November 21, 2011: **1)** Discussion Of Noticing Requirements For Continuances By Any Of The Land Use Boards. **2)** Discussion Of Jurisdiction Of Land Use Boards Over Appeals. **3)** Discussion Of Procedures For Obtaining Informal Opinions And Formal Administrative Determinations From The Planning Director. **4)** Discussion On The De-Intensification Of The I-1 Light Industrial District. **5A)** Discussion On A Possible Amendment To The Accessory Use Regulations For The RM-2 Zoning District To Permit A Limited Number Of Commercial Accessory Uses In An Apartment Building Adjacent To A Public Baywalk To Be Open To The Public. **5B)** Discussion Regarding The Baywalk Conservation District Proposal Put Forth By Members Of The Lincoln West Neighborhood Association.

**C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit Grant Applications To: 1) Florida Fish And Wildlife Commission, For Funding From The Florida Boating Improvement Program In The Approximate Amount Of \$7,750 For The Derelict Vessel Removal Program; 2) The Transportation, Community, And System Preservation Program (TCSP) For Funding In The Approximate Amount Of \$2,000,000 For The Middle Beach Recreational Corridor; And, 3) NFL Youth Football Fund Grassroots Program For Funding In The Approximate Amount Of \$200,000 For Flamingo Park Football Field; Appropriating The Above Grants, Matching Funds And City Expenses Related To The Above Projects As Necessary, If Approved And Accepted By The City, And Authorizing The Execution Of All Documents Related To These Applications.  
(Budget & Performance Improvement)
- C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendments To The Professional Services Agreements Between The City Of Miami Beach, Florida And TCBA Watson Rice LLP; RGL Forensics; And Marcum Rachlin; For The Audits Of Resort Taxes And For Other Internal Audits As Needed, Dated October 22, 2010; Said Amendments Approves The First Year Renewal Option Of The Agreements And Further Amends Section 4.3 (Terms) To Allow Renewal By The City Manager At His Sole Option And Discretion.  
(Budget & Performance Improvement)

**C7 - Resolutions** (Continued)

- C7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 03-11/12, For Community Satisfaction Survey Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, \_\_\_\_\_; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, \_\_\_\_\_; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Budget & Performance Improvement/Procurement)

**(Memorandum & Resolution to be Submitted in Supplemental)**

- C7D A Resolution Appointing Mayor Matti Herrera Bower To Participate As A Voting Member Of The Metropolitan Planning Organization For Miami-Dade County, Florida And To Represent The City Of Miami Beach And Serve In This Appointed Capacity.

(City Attorney's Office)

- C7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Pre-Construction Services Agreement With QGS Development Inc., In An Amount Not To Exceed \$37,500.00, For Pre-Construction Services For The Construction Of The Par 3 Golf Course, Pursuant To Request For Qualifications No. 41-10/11 For A Construction Manager At Risk To Provide Pre-Construction Services And Construction Phase Services Via Guaranteed Maximum Price (GMP) Amendment For The Par 3 Golf Course Project; And, Upon Completion Of Pre-Construction Services, Authorizing The City Manager To Enter Into Negotiations For A Guaranteed Maximum Price (GMP) For Construction Services; Further Approving And Authorizing The Mayor And City Clerk To Execute A GMP Amendment To The Agreement With QGS Development Inc., Subject To And Contingent Upon The City Commission's Approval Of The GMP; With Previously Appropriated Funding From Fund 388 – SP Post RDA CDT And Municipal Resort Tax.

(Capital Improvement Projects)

- C7F A Resolution Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With Schwebke-Shiskin & Associates, Inc., Pursuant To The Request For Qualifications (RFQ) No. 36-10/11, For Resident Project Representative Services, For A Period Of Up To Thirteen (13) Months, For Neighborhood No. 8 Bayshore (Package E) – Sunset Islands I & II Project; In The Not To Exceed Amount Of \$249,995 Including Reimbursable Expenses; With Funds Previously Appropriated In The Capital Budget; And Further Authorizing The Reallocation Of Fund 384, 2003 GO Bond, Funds In The Amount Of \$12,614 From The Bayshore Lake Pancoast BP-8C Right Of Way Project Construction Savings To Bayshore Neighborhood Sunset Island I & II.

(Capital Improvement Projects)



**C7 - Resolutions** (Continued)

- C7G A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 04-11/12, For A Design Criteria Professional To Prepare The Design Criteria Package For The Sunset Islands 3 And 4 Neighborhood Right-Of-Way Improvement Project, Which Is Intended To Be A Design-Build Contract; And To Serve As The City's Representative During The Selection Of The Design-Build Firm For The Project, Concerning The Evaluation Of The Responses Submitted By The Design-Build Firms; Review And Approve For Compliance Of The Detailed Working Drawings For The Project; And For Evaluation Of The Compliance Of The Project Construction With The Design Criteria Package; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Corzo, Castella, Carballo, Thompson, Salman, PA (C3TS); And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Calvin, Giordano, And Associates, Inc; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, Atkins, Inc.  
(Capital Improvement Projects/Procurement)
- C7H A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 42-10/11, For A Construction Manager At Risk Firm To Provide Pre-Construction Services And Construction Phase Services Via A Guaranteed Maximum Price (GMP) Amendment For The Bandshell Park Facility; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, D. Stephenson Construction, Inc.; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, Harbour Construction, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm, KM Plaza; And Further Authorizing The Mayor And City Clerk To Execute An Agreement For Pre-Construction Services.  
(Capital Improvement Projects/Procurement)
- C7I A Resolution Approving The Façade Improvement Program Guidelines For The North Beach Commercial Corridor Located On Collins Avenue Between 73<sup>rd</sup> And 75<sup>th</sup> Streets.  
(Economic Development)
- C7J A Resolution Ratifying The Neighborhood And Community Affairs Committee's Support Of The Proposed North Beach Economic Development Program.  
(Requested by Neighborhoods/Community Affairs Committee)  
(Legislative Tracking: Economic Development)
- C7K A Resolution Authorizing The Administration To Issue A Purchase Order To Physio Control, Inc., In The Amount Of \$31,079.40, As The Sole Source Provider Of The LIFEPAK® 15 Monitor/Defibrillator For One (1) LIFEPAK® 15 Monitor/Defibrillator To Be Placed On A Fire Department Advanced Life Support Response Unit That Is Currently Using An Older LIFEPAK® 12 Model.  
(Fire Department)

**C7 - Resolutions** (Continued)

- C7L A Resolution Authorizing And Approving A Month-To-Month Extension Of The Professional Services Agreement With David Santisteban, Ph.D. To Develop, Validate, Administer, Score, Report And Review Testing Programs To Determine Qualified Applicants For Police And Fire Entry-Level And Classified Promotions; Said Extension Commencing On December 30, 2011, And Expiring No Later Than June 30, 2012, Or Until Such Time As A New Agreement Is Executed Pursuant To Request For Proposals (RFP) No. 34-10/11, Whichever Is Earlier.  
(Human Resources)
- C7M A Resolution Accepting The Recommendation Of The City Manager Relative To The Ranking Of Proposers, Pursuant To Request For Proposals (RFP) No. 32-10/11 For Mobile Applications Developers For Municipal Parking, Transportation, Parks And Recreation, Special Events, And Other City Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Parking In Motion, LLC, And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Streetline, Inc.: And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.  
(Parking Department)
- C7N Temporary Removal Of Parking Spaces  
A Resolution Setting A Public Hearing To Consider Amending Section 82-384, "Permitted Sidewalk Café Frontage; Requests For Expansion," To Permit Sidewalk Cafes To Extend Into A Loading Zone Fronting A Restaurant.  
(Planning Department)
- C7O A Resolution Authorizing The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, To Accept A Testamentary Gift Of \$5,000 From The Theodore R. Struhl, M.D. Trust, For The Purchase Of Automatic External Defibrillators To Be Used By The Miami Beach Police Department.  
(Police Department)
- C7P A Resolution Authorizing The City Manager, And City Clerk To Execute A Voluntary Cooperation And Operational Assistance Mutual Aid Agreement With The City Of Homestead, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The City Of Homestead, Florida.  
(Police Department)
- C7Q A Resolution Approving And Authorizing The Mayor And The City Clerk To Accept Easements From Heafey/Bentley Management, LLC, Located At 101 South Ocean Drive; South Of Fifth Condominium Association, Located At 121 South Ocean Drive; And Komar Investments, Inc., Located At 161 South Ocean Drive; For The Construction And Maintenance Of An Extension To A Public Access Bicycle And Pedestrian Path Known As The Beachwalk.  
(Public Works)

**C7 - Resolutions** (Continued)

- C7R A Resolution Setting A Public Hearing For The January 11, 2012 City Commission Meeting, To Consider Granting An After-The-Fact Revocable Permit To ASR Berwick Family LTD. Partners, Owner Of The Commercial Property Located At 335 W. 47<sup>th</sup> Street, To Retain A/C Units, Utility Room, And Trash Enclosure, Currently Placed Within The Public City Right Of Way On West 47<sup>th</sup> Court.  
(Public Works)
- C7S A Resolution Adopting And Appropriating The First Amendment To The Police Confiscation Trust Fund Budget For Fiscal Year 2011/2012 In The Amount Of \$41,000, For The Appropriation And Expenditure, Which Shall Be Funded From The Proceeds Of State Confiscated Funds.  
(Police Department)
- C7T A Resolution Approving And Authorizing The Following Actions With Regard To The City's Neighborhood Stabilization Program 1 (NSP1): 1.) Approving And Authorizing The Mayor And City Clerk To Execute A Corrective Amendment To The Subgrant Agreement Between The State Of Florida Department Of Community Affairs (DCA) And The City (As Previously Approved In Modification Number 3 To The Subgrant Agreement, Which Was Approved By The City On May 11, 2011, Pursuant To Resolution No. 2011-27657), Modifying The Expiration Date Of The Subgrant Agreement From March 1, 2013, To November 23, 2012 (As Required By The State); 2.) Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 7 To The NSP1 Agreement Between The City And Miami Beach Community Development Corporation (MBCDC), Dated January 2010, To Incorporate The Revised Term Of The Subgrant Agreement, As Well As Include Certain New Provisions Required By The State; 3.) Further Authorizing The City Manager Or His Designee To Take Such Actions, As May Be Required, With Regard To Preparing And Having The Mayor And City Clerk Execute Modification Of Mortgages For The Following NSP1 Funded Projects, The Madeleine Apartments, The Neptune Apartments, And The Lottie Apartments; Such Modifications Revising The Mortgage Amounts To Reflect The Current Budgeted Amounts For Each Project, But Which Modifications Only Reflect A Re-Allocation Of Amounts Among The Projects And Which Do Not Result In Any Additional Allocations Other Than The Total Amount That The City Has Already Allocated To These Projects Under The NSP1 Program (\$8,672,509.78).  
(Real Estate, Housing & Community Development)
- C7U A Resolution Accepting The Recommendation Of The City Manager Relative To The Ranking Of Proposers, Pursuant To Request For Proposals (RFP) No. 43-10/11 For Parking Meter Collection Services For The City's Parking System; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Standard Parking Corporation D/B/A SP Municipal Services, And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Lanier Parking Solutions; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.  
(Parking Department)

**End of Consent Agenda**

**REGULAR AGENDA**

**R5 - Ordinances**

- R5A An Ordinance Deleting Section 2-27 Of The Miami Beach Code, Entitled "Commission Committee Draft Minutes - City Commission Approval;" Creating A New Section 2-13 Of The City Code, Entitled "Commission Committee Draft Minutes - City Commission Approval;" Providing For Codification, Repealer, Severability, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**  
(Requested by Commissioner Edward L. Tobin)  
(Legislative Tracking: City Attorney's Office)  
(First Reading on October 19, 2011)
- R5B An Ordinance Amending Chapter 2, Article III, Division 26, Sections 2-190.107 And 2-190.110 Of The City Code, Establishing The City's Community Development Advisory Committee, To Amend The City Affiliation Requirements For Membership On The Community Development Advisory Committee; Providing For Repealer, Codification, Severability, And An Effective Date. **10:20 a.m. Second Reading Public Hearing**  
(Requested by Commissioner Deede Weithorn)  
(Legislative Tracking: Real Estate, Housing & Community Development)  
(First Reading on October 19, 2011)
- R5C Amend Procedures For Vendor Preference
1. An Ordinance Amending Procedures To Provide Local Preference To Miami Beach-Based Vendors In The Award Of Contracts For Goods And General Services, By Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled, "Administration," By Amending Article VI Thereof Entitled, "Procurement," By Amending Division 3 Entitled, "Contract Procedures," By Amending Section 2-372 Thereof; Providing For Codification, Repealer, Severability, And An Effective Date. **10:25 a.m. Second Reading Public Hearing**
  2. An Ordinance Implementing Procedures To Provide A Vendor Preference In The Award Of Contracts For Goods And Contractual Services, To Florida Small Businesses Owned And Controlled By Veterans And To State-Certified Service-Disabled Veteran Business Enterprises By Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled, "Administration," By Amending Article VI Thereof Entitled, "Procurement," By Amending Division 3 Entitled, "Contract Procedures," By Creating Section 2-374; Providing For Codification, Repealer, Severability, And An Effective Date. **10:25 a.m. Second Reading Public Hearing**  
(Requested by Commissioner Jerry Libbin)  
(Legislative Tracking: Procurement/City Attorney's Office)

**R5 - Ordinances** (Continued)

R5D RPS-4 Heights

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District", Section 142-696 "Residential Performance Standard Area Requirements" To Modify The Maximum Height Requirements For Residential Apartment Structures; By Amending Section 142-697 "Setback Requirements In The R-PS 1, 2, 3, 4 District," To Modify The Setback Requirements For Oceanfront Buildings; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading**

(Requested by Commissioner Jonah Wolfson)

(Legislative Tracking: Planning Department)

R5E An Ordinance Amending Chapter 110 Of The City Code, Entitled "Utilities," By Amending Article IV, Entitled "Fees, Charges, Rates And Billing Procedure," By Amending Division 3, Entitled "Billing Procedure," By Amending Section 110-191, Entitled "Payment Of Bills," By Amending 110-191(B) By Changing The Penalty For Late Utility Bills From Ten Percent Of The Current Bill To 1.5% Per Month Of The Late Outstanding Balance ; Providing For Repealer, Severability, Codification And Effective Date. **First Reading**

(Requested by Commissioner Jonah Wolfson)

(Legislative Tracking: Finance Department)

R5F An Ordinance Amending Chapter 26 Of The Miami Beach City Code Entitled "Civil Emergencies," By Amending Article II, Entitled "State Of Emergency," By Repealing Section 26-32, Entitled "Automatic Emergency Measures" Due To The Preemption Of The Entire Field Of Regulation Of Firearms To The State Of Florida; By Amending Chapter 70, Entitled "Miscellaneous Offenses," By Amending Article I, Entitled "In General," By Repealing Section 70-2, Entitled "Weapons; Discharging," Due To The Preemption Of The Entire Field Of Regulation Of Firearms To The State Of Florida; By Amending Chapter 106 Of The Miami Beach City Code, Entitled "Traffic And Vehicles," By Amending Article III, Entitled "Parades," By Amending Division 2, Entitled "Permit," By Amending Section 106-375(A)(1) To Repeal Language Regarding The Regulation Of Firearms That Is Preempted By The State Of Florida, And To Provide That Weapons Shall Not Include Any Destructive Device Or Firearm As Defined Under Florida Law; Providing For Repealer, Severability, Codification, And An Effective Date.

**First Reading**

(Requested by Commissioner Jerry Libbin)

(Legislative Tracking: City Attorney's Office)

R5G An Ordinance Granting To Florida Power And Light Company, Its Successors And Assigns, An Electric Franchise Imposing Provisions And Conditions Relating Thereto, Providing For Monthly Payments To The City Of Miami Beach, And Providing For An Effective Date. **First Reading**

(Requested by the City Commission)

(Legislative Tracking: Public Works)

(Deferred from September 14, 2011)

**R7 - Resolutions**

- R7A A Resolution Setting The Dates For The Year 2012 City Commission Meetings. **Joint City Commission And Redevelopment Agency**

(City Clerk's Office)

- R7B A Resolution Authorizing And Approving A Month-To-Month Extension Of The Towing Permits With Beach Towing Services, Inc. And Tremont Towing Services, Inc., Respectively; Said Extensions Commencing On January 1, 2012, And Expiring No Later Than June 30, 2012; And Further Approve A Referral To The Neighborhoods Committee Regarding The City's Towing Permit Requirements.

(Parking Department)

**(Memorandum & Resolution to be Submitted in Supplemental)**

- R7C A Resolution Pertaining To That Certain City Construction Project Referred To As The "Biscayne Point Neighborhood Right-Of-Way Improvements Project" (The Project) And, With Respect To Such Project, Accepting The Findings And Recommendation Of The City Manager In Declaring An Emergency Pursuant To Subsections 287.055(3)(A)(1) And (9)(C)(6), Florida Statutes, All As More Specifically Set Forth In This Resolution And The Accompanying Commission Memorandum; And, As Permitted Pursuant To Section 2-367(E) Of The City Code, Waiving, By 5/7ths Vote, The Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Take The Following Actions To Procure The Necessary Emergency Design And Construction Services For The Project, Pursuant To A Negotiated Design-Build Contract: 1) Prepare, Whether Through The City's Public Works Department Or Through Retention Of An Outside Design Criteria Professional, As Determined By The City Manager, A Design Criteria Package (DCP) Which Complies With The Specifications Set Forth Under Section 287.055(2)(J), Florida Statutes; 2) Upon Completion Of The DCP, Authorizing The City Manager To Negotiate And, If Successful, Execute A Design-Build Contract, With A Guaranteed Maximum Price (GMP) For The Remaining Water, Stormwater, Landscape And Streetscape Improvements For The Project, With The Firm Of David Mancini & Sons, Inc. (DMSI) Who, As The City's Contractor Currently Working On The Project Under That Certain Construction Contract Authorized Pursuant To Invitation To Bid No. 07-10/11 (The ITB), Is The One Appropriately Licensed Contractor Who Is Most Qualified To Assume The Remaining Work Under The Project Under The Proposed Design-Build Contract Because DMSI Is Currently Under Contract To Perform (And Is Performing) Work That Is Affiliated With The Project; And 3) Further Authorizing The City Manager To Terminate, For Convenience, The Remaining Portion Of The Current Construction Contract With DMSI (Entered Into Pursuant To The ITB) And Requiring That, As A Condition To The City And DMSI's Execution Of The Negotiated Design-Build Contract, The Parties Enter Into And Execute A Settlement Agreement And Release Of All Claims Against The City Under The Former Contract, Where The Combined Sum Of The Negotiated Design-Build GMP And The Amount Negotiated As Part Of The Settlement Of The Existing Contract Shall Not Exceed \$11,998,535, Which Includes The \$10,907,759 Construction Award Value Of The Current DMSI Construction Contract And The Approved Project Contingency Amount Of \$1,090,776.

(Capital Improvement Projects)

**(Memorandum & Resolution to be Submitted in Supplemental)**

- R7D A Resolution Approving The City's State Legislative Agenda For The 2012 Session Of The Florida Legislature.

(Economic Development)

**R7 - Resolutions** (Continued)

- R7E A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving A Public Beachfront Concession Agreement Between The City And Boucher Brothers Miami Beach, LLC. (Concessionaire), For The Exclusive Right To Operate Certain Concessions In Lummus Park, Ocean Terrace, North Shore Open Space Park, And South Pointe Park Beach, In Miami Beach, Florida, For The Rental Of Beach Equipment, Food And Beverage Service, Sale Of Beach-Related Sundries And Skin Care Products, And Watersports Equipment Rentals; Said Agreement Having A Five (5) Year Initial Term, And Providing For A Five (5) Year Renewal Term Which Is Exercisable By The City. .

(Real Estate, Housing & Community Development)

**(Memorandum & Resolution to be Submitted in Supplemental)**

- R7F A Resolution Authorizing The City Administration To Enter Into Negotiations With Service America Corporation D.B.A. Centerplate Pertaining To The Renewal Of Its Existing Agreement With The City For Catering And Concession Services For The Miami Beach Convention Center, As Recommended By The Finance And Citywide Projects Committee.

(Tourism & Cultural Development)

**(Memorandum & Resolution to be Submitted in Supplemental)**

- R7G A Resolution Consenting To And Confirming The Appointment Of Raymond A. Martinez As The Acting Chief Of Police For The City Of Miami Beach.

(Human Resources)

**(Memorandum & Resolution to be Submitted in Supplemental)**

**R9 - New Business and Commission Requests**

- R9A Board And Committee Appointments. (Page)  
(City Clerk's Office)

- R9A1 Board And Committee Appointments - City Commission Appointments. (Page)  
(City Clerk's Office)

- R9A2 Nomination Of Brian Ehrlich To The Capital Improvement Oversight Committee For The (C3) Developer Chair.  
(Requested by Commissioners Jorge R. Exposito & Michael Góngora)  
(Deferred from October 19, 2011)

- R9A3 Appointment Of Peter Chevalier For Commissioner To The Housing Authority.  
(Requested by Mayor Matti Herrera Bower)  
(Deferred from October 19, 2011)

- R9A4 Nomination Of Merle Weiss For The Cultural Arts Council.  
(Requested by Commissioners Michael Góngora)

**R9 - New Business and Commission Requests** (Continued)

- R9A5 Nominate Michael Perlmutter To The Human Rights Committee.  
(Requested by Commissioners Michael Góngora)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.) (Page)  
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding Police Chief Recruitment.  
(Requested by Vice-Mayor Edward L. Tobin)  
(Deferred from October 19, 2011)
- R9D Discussion And Update Regarding The Tennis Management Contract RFP.  
(Requested by Commissioner Edward L. Tobin)  
(Deferred from October 19, 2011)
- R9E Discussion Regarding The Steps To Be Taken To Find A Replacement For The City Clerk Who Is  
Contemplating Retirement March 2012.  
(Requested by Commissioner Jonah Wolfson)
- R9F Discussion Regarding Creating A Tennis Committee.  
(Requested by Commissioner Jonah Wolfson)
- R9G Discussion Regarding An Ordinance Amending The Miami Beach City Code By Amending Chapter 2,  
Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By  
Creating Division 33, To Be Entitled "Tennis Advisory Committee," And By Creating Sections 2-  
190.148 Through 2-190.153 Thereto To Create A Tennis Advisory Committee And Provisions  
Establishing The Committee And Its Mission, Powers, Duties, Composition, And Supporting  
Department; And Providing For Repealer, Severability, Codification, And An Effective Date.  
(Requested by Commissioners Michael Góngora)
- R9H Discussion Regarding Communications About The Progress Of Projects And Construction To The  
Local Residents.  
(Requested by Commissioner Jorge R. Exposito)
- R9I A Discussion Regarding The Authorization Of The City Administration To Enter Into An Agreement  
For A Voluntary Employee Loan Program, On A One (1) Year Trial Basis, Through BMG Money  
Loans-At-Work Program To Make Available Loans To Interested Active City Of Miami Beach  
Employees, Commencing On January 1, 2012.  
(Human Resources)
- R9J Discussion Regarding The Status And Progress Of The Collins Canal Construction Project With A  
Request For A Short Presentation From Appropriate Staff At The Commission Meeting.  
(Requested by Commissioner Jonah Wolfson)



**R9 - New Business and Commission Requests** (Continued)

- R9K Discussion And Update Regarding The Collins Canal Project.  
(Requested by Commissioner Edward L. Tobin)
- R9L Presentation By FDOT Regarding West Avenue Bike Lanes As An Alternative To The Alton Road Bike Lanes.  
(Public Works)
- R9M Discussion Regarding A Resolution Urging The Florida Legislature To Reject Any And All Expansions Of Gambling, Including Legislation To Legalize "Destination Casinos" In Florida.  
(Requested by Mayor Matti Herrera Bower)
- R9N Discussion Regarding The Comprehensive Bike Master Plan.  
(Requested by Commissioner Edward L. Tobin)
- R9O Discussion Regarding The Beach Renourishment Project.  
(Requested by Commissioner Jerry Libbin)
- R9P Discussion And Update On The Citywide Dunes Maintenance Plan.  
(Requested by Commissioner Edward L. Tobin)
- R9Q Discussion Regarding Dade Canal, Seawall And Bike Path Project.  
(Requested by Commissioner Jorge R. Exposito)
- R9R Discussion Regarding The City Hiring A Litigation Team To Oppose Genting And Gambling.  
(Requested by Commissioner Jonah Wolfson)
- R9S Discussion Regarding Scheduling A Public Workshop To Gather Public Input On How To Revitalize Washington Avenue.  
(Requested by Commissioner Jerry Libbin)
- R9T The Committee Of The Whole Will Meet During Lunch Recess In The City Manager's Office Large Conference Room To Discuss The City Attorney's Performance Evaluation.  
(City Attorney's Office)
- R9U The Committee Of The Whole Will Meet During Lunch Recess In The City Manager's Large Conference Room To Discuss The City Manager's Performance Evaluation.  
(Requested by Mayor Matti Herrera Bower)

**R10 - City Attorney Reports**

R10A City Attorney's Status Report.

(City Attorney's Office)

**Reports and Informational Items**

Reports and Informational Items (see LTC #309-2011)

**End of Regular Agenda**

## **Miami Beach Redevelopment Agency**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
December 14, 2011**

Chairperson of the Board Matti Herrera Bower

Member of the Board Jorge Exposito

Member of the Board Michael Góngora

Member of the Board Jerry Libbin

Member of the Board Edward L. Tobin

Member of the Board Deede Weithorn

Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez

Assistant Director Jorge Gomez

General Counsel Jose Smith

Secretary Robert E. Parcher

### **AGENDA**

#### **1. NEW BUSINESS**

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Setting The Dates For The Year 2012 Redevelopment Agency Meetings. **Joint City Commission And Redevelopment Agency**  
(City Clerk's Office)